

UNITED STATES DISTRICT COURT

District of Oregon

Sami Anwar

Petitioner

v.

DeWayne Hendrix, Warden FCI
Sheridan

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 3:21-CV-1126-SB
(to be assigned by the Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Sami Anwar
(b) Other names you have used: N/A.
2. Place of confinement:
(a) Name of institution: Sheridan CORRECTIONAL INSTITUTION.
(b) Address: P.O. Box. 5000, SHERIDAN, OR, 97378.
(c) Your identification ("SID") number: 21140-085
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Indicate that you are currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of the court that sentenced you: U.S. FEDERAL COURT HOUSE,
EASTERN DISTRICT OF WASHINGTON, RICHLAND, WA, 99352.
(b) Docket number of criminal case: 4:18-CR-06054-EFS-1
(c) Date of sentencing: OCTOBER 1st. 2020.
☐ Being held on an immigration charge
☐ Other (explain):

94330

Decision or Action You Are Challenging

5. Indicate what you are challenging in this petition:

- ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings

☒ Other (explain): I am challenging the fact of my confinement under the circumstances of the COVID pandemic and in particular the extended lockdown and the life-threatening conditions.

I incorporate by reference and adopt the pleadings in Stirling v. Salazar, 3:20-cv-00712-SI

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: The Warden at Sheridan is holding me in conditions that violate the Constitution under the Fifth and Eighth Amendment

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: I have asked for help as explained below but the Warden has not ended the lockdown or ended the unsafe conditions at Sheridan.

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____
- _____
- _____
- _____
- _____
- _____
- _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____
- _____
- _____
- _____
- _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____

- (4) Result: _____
(5) Date of result: _____
(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☐ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: If I filed a compassionate release petition or a motion for pretrial
(b) Name of the authority, agency, or court: release it is described below.

- (c) Date of filing: _____
(d) Docket number, case number, or opinion number: _____
(e) Result: _____
(f) Date of result: _____
(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: In Light Of The Warden's Decision To Use Severe Lockdown As The Alternative

To De-Densifying Sheridan, No Conditions Of Confinement At FCI Sheridan Would Meet Eighth Amendment
And Due Process Requirements And This Writ of Habeas Corpus Should Be Granted.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I incorporate by reference all pleadings and the Petition and Attachments in Stirling v. Salazar, 3:20-cv-00712-SI.

See also the facts below about my medical issues and what the lockdown has been like for me.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO:

1. The Warden's Failure to Take Needed Steps to De-Densify The Prison and To Mitigate

Transmission of COVID-19 Constitutes Deliberate Indifference to My Health In Violation

Of Due Process And The Eighth Amendment

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I incorporate by reference all pleadings and the Petition and Attachments in Stirling v. Salazar, 3:20-cv-00712-SI.

See also my attachment

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE:

2. The Warden's Continuing Extension Of The 14-Day Lockdown To Now Over 80 Days

Violates Due-Process And The Eighth Amendment.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I incorporate by reference all pleadings and the Petition and Attachments in Stirling v. Salazar, 3:20-cv-00712-SI.

See also my attachment.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

GROUND FOUR: _____

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: No appeals were available to me because we are locked down and the staff does not listen to my concerns or says they can't help me.
- _____
- _____

Request for Relief

15. State what you want the Court to do: _____

Request For Injunctive Relief : 1) Prohibit the Warden from moving me from here until it is safe, and 2) prohibit the Warden from bringing more people in here unless it is safe; and 3) release me because there are too many people here for it to be safe, or enlarge the area for service of my sentence to include community custody and order the warden to transfer me to that custody.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:*

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 06-20-21



Signature of Petitioner

Signature of Attorney or other authorized person, if any

* As noted in the instructions to this form (at #6), if you are incarcerated at Snake River Correctional Institution (SRCI) or Two Rivers Correctional Institution (TRCI), you must comply with the requirements of the E-Filing Program posted at the institution and set forth in Standing Order 2019-7 (for SRCI) or 2019-12 (for TRCI). Accordingly, you must submit your filings in this case to prison staff for scanning and electronic submission, instead of mailing the filing using the U.S. Postal Service. Please indicate the date you submitted this petition to prison staff for scanning and electronic submission.

ATTACHMENT TO PETITION UNDER 28 U.S.C. § 2241

Name: Sami Anwar

1. My medical conditions make me afraid that I will be badly affected if I get infected with COVID. My conditions are:

1. CANCER (LYMPHOMAS MULTIPLE) IN NECK AND
MAY BE OTHER PARTS OF THE BODY, WHICH IS STILL
NOT INVESTIGATED COMPLETELY & DIAGNOSED.
2. BREATHING PROBLEMS DUE TO CANCER IN THE NECK
3. BLOOD CLOTS IN THE THROAT DUE TO CANCER.
4. LEFT EAR DEAFNESS RECENTLY ACQUIRED DUE TO
CANCER.
5. HYPERTENSION DUE TO CANCER IN NECK.
6. ARTHRITIS DUE TO CANCER SPREADING IN THE BODY.

2. On April 1, 2020, the BOP went into lockdown. The lockdown affected phone calls, showers, food, friendships, classes, and mental and physical health. Here is what the last months have been like for me:

1. REALLY SUFFOCATION, DEPRESSION, PAIN DUE TO CANCER,
NO PROPER & QUALIFIED MEDICAL STAFF TO TREAT MY
CONDITIONS & DIAGNOSE FURTHER THE EXTENT OF MY
MEDICAL ISSUES. HEALTH IS DETIORATING BECAUSE OF
THEIR NEGLIGENCE AND UNDER STAFF FACILITIES.
AIR SYSTEM HEATING/COOLING WITH DUCT SYSTEMS NEVER
CLEANED SINCE THE INCEPTION OF THE FACILITY.

ATTACHMENT TO PETITION UNDER 28 U.S.C. § 2241

REPEATITIVE THROAT INFECTIONS DUE TO DIRTY AIR DUCT
SYSTEMS FOR HEATING/COOLING IN THE FACILITY. INMATES
WHO ARE NOT QUALIFIED OR CERTIFIED PRETTY MUCH
RUNS THE FACILITY IN FIXING STUFF IN THE FACILITY.
PHYSICIAN IN THE FACILITY IS NOT BOARD CERTIFIED
IN TREATING MY CONDITION & HAVE MINIMAL KNOWLEDGE
& EXPERIENCE IN TREATING CANCER.

3. If I applied for compassionate release or release from custody, here is what happened:

I AM ALSO IN THE PROCESS OF APPLYING FOR
COMPASSIONATE RELEASE AS SOON AS POSSIBLE SO I
CAN GET PROPER TREATMENT FOR MY LYMPHOMAS MULTIPLE.

ATTACHMENT TO PETITION UNDER 28 U.S.C. § 2241

4. Here is how I have tried to get help from staff during the lockdown, and here is what happened:

I HAVE REPEATEDLY ASKED THE CORRECTIONAL OFFICERS TO SEE A PHYSICIAN AND THEY REQUESTED TO SEND COP-OUTS WHICH I DID BUT NO RESPONSE FROM MEDICAL DEPARTMENT ON THOSE COP-OUTS. ON THE OTHER HAND THE GUARDS WILL SAY "I DONOT KNOW" PLEASE CONTACT THEM THROUGH COP-OUTS.

5. Here is what else I want to say:

AIR QUALITY IN CELLS ARE SO BAD THE AIR DUCT SYSTEM HAS WOODEN BUNNY'S OF DUST LIKE MATERIAL IN THE DUCT SYSTEM WHICH CAN EASILY CAUSE REPEATED CHEST INFECTIONS, & CANCER. MY CANCER IS AT LEVEL 3 IN MY NECK & STAGE 4 IS THE LAST STAGE OF ANY CANCER. PLEASE HELP ME FOR GETTING A COMPASSIONATE RELEASE SO I CAN GET PROPER TREATMENTS. & EVERY 3 MONTH SLAM TO FIND FURTHER ENHANCEMENT ON CANCER IN MY DIFFERENT PARTS OF MY BODY.

ATTACHMENT TO PETITION UNDER 28 U.S.C. § 2241

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard ruled sheet of paper. There is no handwriting or other markings on the page.